

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Petitioner Lowe filed an application to proceed *in forma pauperis* with respect to his petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. ECF No. 1. Because Lowe has paid the filing fee, the application shall be denied as moot.

With his petition, Lowe indicates that he seeks to challenge his federal criminal conviction in case no. 2:14-cr-00004-JAD-VCF-1. Actions under § 2254 are confined to petitioners “in custody pursuant to the judgment of a State court.” 28 U.S.C. § 2254. In order to challenge his federal criminal conviction, Lowe must file a § 2255 motion to vacate, set aside or correct that sentence. A § 2255 motion is to be filed in the underlying federal criminal case itself.

**IT IS THEREFORE ORDERED** that the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (ECF No. 4) is DISMISSED. The Clerk shall enter judgment accordingly.

1           **IT FURTHER IS ORDERED** that a certificate of appealability is DENIED, as jurists of  
2 reason would not find the court's dismissal of this action to be debatable or incorrect.

3           **IT IS FURTHER ORDERED** that the application to proceed *in forma pauperis* (ECF No.  
4 1) is DENIED as moot.

5           **IT FURTHER IS ORDERED** that the Clerk shall send petitioner the form for a "Motion  
6 Pursuant To 28 U.S.C. § 2255 To Vacate, Set Aside Or Correct Sentence By A Person In Federal  
7 Custody," the instructions for that form, and a copy of the papers that he submitted in this action.

8           **IT IS FURTHER ORDERED** that petitioner's motion for appointment of counsel (ECF No.  
9 6) is DENIED.

10          Dated this 21 day of March, 2018.

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UNITED STATES DISTRICT JUDGE

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